

SEP 24 2012

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JESUS OCTAVIO SANDOVAL-
TALAVERA,

Defendant - Appellant.

No. 11-10599

D.C. No. 2:08-cr-01333-DCB

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
David C. Bury, District Judge, Presiding

Submitted September 10, 2012**

Before: WARDLAW, CLIFTON, and N.R. SMITH, Circuit Judges.

Jesus Octavio Sandoval-Talavera appeals from the 24-month sentence imposed upon revocation of supervised release. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Sandoval-Talavera first contends that the district court procedurally erred by failing to explain adequately the basis for imposing a consecutive sentence. The record reflects that the court considered the parties' arguments and adequately explained the sentence. *See United States v. Carty*, 520 F.3d 984, 992 (9th Cir. 2008) (en banc).

Sandoval-Talavera next contends that his sentence is substantively unreasonable. In light of Sandoval-Talavera's lengthy criminal history, failure to be deterred, and breach of trust, the sentence is substantively reasonable. *See* 18 U.S.C. § 3583(e); *United States v. Miqbel*, 444 F.3d 1173, 1182 (9th Cir. 2006) (at a revocation sentencing, a district court may sanction the defendant for his breach of trust).

AFFIRMED.